

ELLA D. CROSS.

JANUARY 8, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SULLOWAY, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 3415.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 3415) granting a pension to Ella D. Cross, having carefully considered the facts in the case, respectfully report:

At the last session of this Congress an exactly similar bill for the relief of the beneficiary named was introduced in the Senate (S. 997), reported favorably (Senate Report No. 89), and passed that body February 19, 1896 (Record, 1919). It was favorably reported by the Committee on Invalid Pensions (House Report No. 844), debated in Committee of the Whole (Record, 5582), and passed the House May 29, 1896 (Record, 5920), after which it was sent to the President, but suffered a pocket veto.

The facts in the case may be summarized as follows:

Claimant is the widow of Richard E. Cross, late lieutenant-colonel of the Fifth New Hampshire Infantry, known as the "Fighting Fifth." September 5, 1861, he was mustered in as a private, and served continuously until August 4, 1864, after which time he was pensioned for gunshot wounds of chest, hand, and leg. He died September 16, 1894, leaving the claimant and an invalid daughter.

December 10, 1894, his widow applied for a pension, and the case was several times submitted and resubmitted for admission, the gunshot wound of chest being accepted as the death cause. The medical referee, however, rejected the claim, on the ground that death was due to apoplexy. The evidence tends to show that the soldier died from heart disease, and the examining surgeons at Washington find that this disease was due to the gunshot wound in chest. If there is any doubt at all in the matter, we think it should be resolved in favor of the claimant. She is poor and in broken health.

The soldier had an excellent military record, to which his three wounds partly testify, and he participated, with his famous regiment, in some of the severest battles of the war.

Your committee again respectfully recommend the passage of the bill.